

United States House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution

Hearing on H.R. 5388
The District of Columbia Fair and Equal House Voting Rights Act of 2006

September 14, 2006

Testimony of the Honorable Jon M. Huntsman, Jr.
Governor, State of Utah

Good afternoon Mr. Chairman and distinguished Committee members. Thank you for requesting that I testify today on H.R. 5388, the District of Columbia Fair and Equal Voting Rights Act of 2006. I will confine my testimony to a brief discussion of why I believe this legislation would not only benefit the State of Utah, but would simultaneously promote democratic values inherent in our constitutional system. As I understand it, H.R. 5388 takes a unique approach to a problem that has remained unresolved for most of our nation's history. If enacted, this legislation would increase the size of the House by two seats, giving one to D.C. and the other to Utah, the State that should have received an additional seat in the wake of the 2000 census.

When I say that Utah “should have received” the additional seat following the 2000 census, I am referring to two separate errors committed by the Census Bureau in 2000, each of which improperly deprived our State of a fourth seat. The first such error involved the Bureau’s use of a statistical procedure known as “hot-deck imputation,” which I believe violated the spirit, if not the letter, of the Census Act. *See* 13 U.S.C. § 195 (prohibiting “the use of the statistical method known as ‘sampling’ in carrying out the provisions of this title”); *but see Utah v. Evans*, 536 U.S. 452, 473 (2002) (holding that “the statutory phrase ‘the statistical method known as sampling’ does not cover the [Census] Bureau’s use of imputation”); *see also id.* at 480 (O’Connor, J., dissenting) (“I would find that the Bureau’s use of imputation constituted a form of sampling and thus was prohibited by § 195 of the Census Act.”). The second error involved the Bureau’s decision to count federal employees residing temporarily overseas, while arbitrarily refusing to count other, similarly situated Americans living outside the United States.¹

Although this bill does not address either of those errors directly, it addresses both of

¹ Had the Bureau treated all temporary expatriates alike by simply (a) not limiting its overseas enumeration to federal employees, or (b) excluding all non-U.S. residents from the census, Utah would have had a fourth seat beginning in 2002.

them indirectly by awarding Utah the seat that it should have received in 2002.

I welcome the fact that, if the legislation passes, Utah's new seat would be elected on an at-large basis (rather than from a specific district) until 2012, when congressional redistricting will automatically take place based on population figures from the 2010 census. I consider that a significant benefit because redistricting — which is always a difficult, time-consuming, and politically costly process — would be especially undesirable at this point in time, less than four years before the next decennial census.

In short, H.R. 5388 rights the wrongs that were committed in the 2000 census, benefits those who suffered most as a result of those wrongs, and does so in a way that makes sense.

Thank you for this opportunity to testify. The State of Utah and its 2.5 million residents deserve and welcome the chance to have an additional seat in the House of Representatives.